IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 935 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/04/2005 in WPMP No.5870 of 2005 & WVMP No.883 of 2005 in WP No: 4384 OF 2005 on the file of the High Court.)

Between:

The Executive Engineer, Hyderabad, Central Division- II, CPWD, Kendriya Sadan, 1st Floor, Sultan Bazar, Hyderabad - 500 095.

..... APPELLANT

AND

1 The Presiding Officer, The Central Government Industrial Tribunal -cum-Labour Court,Manoranjan Complex, M.J. Road, Hyderabad.
2 Y. Ramachander, s/o Y. Laxminarayana,
8-81/16-EA, Temple Alwal, Secunderabad - 500 010.

.....RESPONDENTS

Counsel for the Appellant:MR. M.GANGA RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 : Mr.V. NARSIMHA GOUD.

The Court made the following :

JUDGMENT:(Per Hon'ble Smt. Justice T. Meena Kumari)

This writ appeal is filed by the appellant aggrieved by the order in W.V.M.P.No.883 of 2005 and WPMP No.5870 of 2005 in W.P.No.4384 of 2005, under which the learned Single Judge made the stay absolute, subject to condition of compliance of Section 17 (b) of the Industrial Disputes Act, 1947 and dismissed the vacate stay petition.

The appellant herein is the writ petitioner. Originally, the writ petition was filed by the

writ petitioner seeking a direction in the nature of writ of Certiorari to quash the Award dated 27.09.2004 made in I.D.No.231 of 2001. While admitting the writ petition on 7.3.2005, the learned Single Judge of this Court has granted interim suspension. Aggrieved by the same, the 2nd respondent filed an application in W.V.M.P.No.883 of 2005 seeking to vacate the order of interim suspension. The learned Single Judge of this Court having observed that the 2nd respondent worked for a period of more than 240 days, dismissed the vacate stay petition and made the stay absolute on condition of compliance of Section 17 (b) of the Industrial Disputes Act, 1947 from the date of award. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner-appellant.

Heard the learned Counsel.

The learned Counsel for the appellant contends that there is no relationship of employee and employer between the writ petitioner and the 2nd respondent, and he never worked continuously for 240 days as required under Section 25-B of the Industrial Disputes Act and therefore, the order of the learned Single Judge as to the compliance of Section 17-B of the Industrial Disputes Act is liable to be set aside.

The question as to whether the 2nd respondent has worked for more than 240 days or not and whether he is entitled for reinstatement, is a matter to be decided in the main writ petition Therefore, in the facts and circumstances of the case, without expressing any opinion on the merits of the case, We feel it just and proper to modify the order of the learned Single Judge to the effect that the interim suspension is made absolute subject to the condition of the writ petitioner-appellant paying Rs.1,000/- p.m. to the 2nd respondent, until further orders, commencing from the month of 1st April, 2005.

Accordingly, the writ appeal is disposed of. No order as to costs.

The Registry is directed to post the Writ petition for final hearing in the month of August 2005.

Justice T. Meena Kumari

_____

Justice L. Narasimha Reddy

Date: 28th April, 2005

Nn/Gurc.

Copy to:

1. The Executive Engineer, Hyderabad, Central Division-II, CPWD, Kendriya Sadan, 1st Floor, Sultan Bazar, Hyderabad-500 095.
2. The Presiding Officer, the Central Government Industrial Tribunal-cum-Labour Court, Manoranjan Complex, M.J. Road, Hyderabad.
3. Two C.Cs to the G.P. for Labour, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)
4. Two C.D. copies.